

BILL ANALYSIS

C.S.S.B. 734
By: Williams
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, if a municipality annexes property the regulations of the municipality will apply. In some parts of the states, large tracts of land that have traditionally been used for hunting leases have been annexed. Upon the annexation, the municipality frequently informs the owners of these large tracts that they can no longer discharge firearms on the property, thereby ending their right to lease their property for hunting. Many owners of these large tracts depend on the revenue generated from their hunting leases.

The purpose of C.S.S.B. 734 is to prevent municipalities from restricting the discharge of firearms on recently annexed tracts of land under certain conditions that protect the public safety.

RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. *Amends Section 251.005, Agriculture Code, by amending Subsection (c) and adding Subsection (c-1), as follows:*

Makes conforming changes.

SECTION 2. *Amends Section 43.002, Local Government Code, by amending Subsection (c) and adding Subsection (d), as follows:*

Makes conforming changes.

SECTION 3. *Amends Chapter 229, Local Government Code, by adding Section 229.002, as follows:*

Prohibits a municipality from regulating the discharge of firearms in its extraterritorial jurisdiction or certain annexed areas under certain circumstances:

The gun is a shotgun, air rifle or pistol, BB gun or bow and arrow fired on a tract of land of at least 10 acres, that is more than 150 feet from an occupied building, and in a manner not reasonably expected to cause the projectile to go outside the tract; or,

The gun is a center fire or rim fired rifle or pistol fired on a tract of land of at least 50 acres, that is more than 300 feet from an occupied building, and in a manner not reasonably expected to cause the projectile to go outside the tract.

SECTION 4. Effective Date.

EFFECTIVE DATE

Effective date is September 1, 2005 or immediately if approved by two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.

COMPARISON OF ORIGINAL TO SUBSTITUTE

- SECTION 1. Non-substantive change that simply clarifies the intent of the bill.
- SECTION 2. The Original is moved to SECTION 3 of the substitute, while the Substitute amends Section 43.002, Local Government Code, to make conforming changes.
- SECTION 3. The Original is moved to SECTION 4 of the substitute, while the Substitute contains the original SECTION 2 and the annexation date after which the law will apply has been changed to conform with the Agricultural Protection Act. The Agricultural Protection Act was intended to include wildlife management and this change simply codifies the intent of the legislature at that time.
- SECTION 4. The Original has no provision, while the Substitute contains the Effective Date Clause.